

## REMARKS

Favorable reconsideration and withdrawal of the rejections in view of the foregoing amendments and the following remarks are respectfully requested.

### Claim Status

Claims 1, 2, 4, 5, and 7 through 9 are now pending in the application, with Claims 1 and 4 being independent. Claims 1, 4, and 5, are amended herein. Claims 3, and 10 through 17 have been canceled herein. It is respectfully submitted that no new matter has been presented.

### Rejections of Claims

Claims 1 through 3 and 7 through 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent Document No. 9-222839 (JP '839). Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP '839 in view of U.S. Patent No. 4,228,633 (Corbic).

### Response to Rejections

While not conceding the propriety of the rejections, independent Claim 1 has been amended and Claim 3 has been canceled. Applicants submit that as amended, Claim 1 is allowable for the following additional reasons.

Amended Claim 1 relates to a manufacturing method for a toner container provided with an opening. The method comprises a filling step of filling the toner container with toner through an opening, a closing step of setting a cover member and closing the opening with the cover member, after the filling step, and a sealing step of gradually welding the cover member and the toner container with each other by an ultrasonic vibration welding member. The welding member is in contact with a part of a portion to be welded while

changing the contact portion by moving toward an unwelded portion. The toner has a true specific gravity which is not more than 2 and has a particle size which is not more than 20 microns.

According to the feature of the above-proposed Claim 1, undesirable production of large toner agglomerations can be effectively prevented when the cover member is ultrasonic-welded to the container which contains the toner.

It is conventional and ordinary in the welding of the cover member to the toner container that the use is made of a stationary welding head which is contacted to the entire portion to be welded. In this case, if the toner exists at the welding portion with this method, the toner may be melted by the heat generated at the welding portion because there is no way through which the toner can escape. This is because the stationary welding head is contacted to the entire welding portion. The melted toner may constitute large toner agglomerations. If the large toner agglomerations fall into the container, the developing device supplied with toner from such a container may produce defective images.

The present invention, as recited in Claim 1, includes a first feature of the sealing step of gradually welding the cover member and the toner container with each other by an ultrasonic vibration welding member which is in contact with a part of a portion to be welded while changing the contact portion by moving toward an unwelded portion. Because of this feature of the present invention, the toner existing at the welding portion can be removed out of the welding portion, so that the toner is not melted, and therefore, the production of large toner agglomerations can be avoided.

In addition, the present invention as recited in Claim 1 includes a second feature that the toner has a true specific gravity which is not more than 2 and has a particle size

which is not more than 20 microns. Because of this feature, the toner particles can be effectively removed out of the welding area, thus avoiding the production of the large toner agglomerations. On the contrary, if the true specific gravity of the toner exceeds 2, and the particle size thereof exceeds 20 microns, the weight and the size of the toner makes it difficult to remove.

JP '839 does not disclose or suggest the above-discussed first feature of the present invention. In addition, this document does not even recognize the problem underlying the present invention, that is, prevention of large toner agglomerations. This reference also fails to disclose or suggest the above-discussed second feature of the present invention.

Accordingly, if the Office maintains the rejection, Applicants respectfully request that the Examiner cite a reference showing this feature.

Amended Claim 4 relates to a manufacturing method for a toner container provided with an opening, including a filling step of filling the toner container with toner through an opening; a closing step of setting a cover member and closing the opening with the cover member, after the filling step; a pressing step of pressing the cover member to the toner container by a pressing member after the cover member is set in the toner container in the closing step; and a sealing step of gradually welding the cover member and the toner container with each other by an ultrasonic vibration welding member which is in contact with a part of a portion to be welded while changing the contact portion by moving toward an unwelded portion. In the sealing step, the pressing member presses the cover member at upstream and downstream portions, with respect to the movement direction of the welding member, of the portion to be welded outside the part where the cover member is in contact with the part of the portion to be welded.

According to the invention defined in the above-proposed Claim 4, when the cover member is ultrasonically welded to the toner container which contains the toner, the welding strength can be enhanced, and in addition, the production of the large toner agglomerations can be prevented.

The invention defined in Claim 4 also includes the first feature noted with respect to Claim 1 regarding the sealing step. In addition, the invention defined in Claim 4 includes another feature of the pressing step of pressing the cover member to the toner container by a pressing member after the cover member is set in the toner container in the closing step. Because of this feature, the relative position between the cover member of the toner container can be stabilized, by which the welding strength is stabilized. In addition, the vibration to remove the toner particles can also be stabilized.

JP '839 does not disclose or suggest the above-discussed features of the present invention.

Corbic discloses that a cover member is confined by electrode 13 and supporting ring 12, and the entire area is welded at once. See Figure 5. Corbic, however, fails to remedy the deficiencies of JP '839 noted above with respect to the independent claims.

Therefore, any combination of the references would not result in the present invention.

It is also respectfully submitted that the combination rejection is not well founded. The Examiner has provided a *rationalization* for combining the teachings of the cited art based on the benefits of doing so. A combination rejection is properly only when there is some suggestion or motivation in the cited art *per se* to cause one having ordinary skill in the art to combine the teachings of the cited art. There is nothing in the cited art which

supports the position that it can be combined in the manner suggested. Even if the art could be so combined, the mere fact that the art can be combined is not sufficient if there is no suggestions in the art that such a combination is desirable. For example, see ACS Hospital Systems, Inc. v. Montefiore Hospital, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

#### Dependent Claims

Claims 2, 5 and 7 through 9 are either directly or indirectly dependent on Claim 1. It is respectfully submitted that the dependent claims are allowable by virtue of being dependent on an allowable independent claim and in their own right for further defining the invention.

#### Conclusion

This Amendment After Final Rejection is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. This Amendment was not earlier presented because Applicants earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 CFR 1.116 is respectfully requested.

In view of the above amendments and remarks, it is respectfully submitted that all claims are allowable and that this application is in condition for allowance. Therefore, favorable reconsideration and early passage to issue of the present application are earnestly solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark A. Williamson", with a long horizontal flourish extending to the right.

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